

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
:
JOINT STOCK COMPANY CHANNEL ONE :
RUSSIA WORLDWIDE, et al., :
: 16-CV-1318 (GBD)
Plaintiffs, :
: July 22, 2016
v. :
: 500 Pearl Street
INFOMIR LLC, et al., : New York, New York
:
Defendants. :
-----X

TRANSCRIPT OF CIVIL CAUSE FOR DISCOVERY HEARING
BEFORE THE HONORABLE BARBARA MOSES
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Plaintiff: SAMUEL BLAUSTEIN, ESQ.
Dunnington, Bartholow & Miller LLP
1359 Broadway
New York, New York 10018

For Defendant/Panorama: ALAN FRAADE, ESQ.
Mintz & Fraade P.C.
271 Madison Avenue
New York, New York 10016

For Defendant/Infomir: STEWART LEVISS, ESQ.
Berkowitz, Lichstein, et al.
75 Livingston Avenue
Roseland, New Jersey 07068

For Defendant/Goodzone: MARCUS NUSSBAUM, ESQ.
POB 245599
Brooklyn, New York 11224

Court Transcriber: SHARI RIEMER, CET-805
TypeWrite Word Processing Service
211 N. Milton Road
Saratoga Springs, New York 12866

Proceedings recorded by electronic sound recording,
transcript produced by transcription service

1 THE CLERK: Joint Stock Company, et al. v. Infomir,
2 et al.

3 Counsel, please state your name for the court -- for
4 the record.

5 MR. BLAUSTEIN: Good morning, Your Honor. Samuel
6 Blaustein, Dunnington, Bartholow & Miller for the plaintiff
7 Broadcasters. With counsel at counsel table with me today is
8 Hardin Rawley who's a new associate at the firm and he's
9 admitted to practice in the State of New York but has not yet
10 been admitted to practice in the Southern District. With Your
11 Honor's permission I'd like for him to sit with me.

12 THE COURT: Welcome, Mr. Rawley. You are -- you are
13 very welcome to join us. Good morning, Mr. Blaustein. Be
14 seated.

15 Who have we got for the defendants?

16 MR. FRAADE: Alan P. Fraade from Mintz & Fraade law
17 firm on behalf of the defendant Panorama.

18 THE COURT: We'll get back in a moment to what
19 Panorama actually is but thank you.

20 MR. LEVISS: Good morning, Your Honor. Stewart
21 Leviss, L-E-V-I-S-S, Berkowitz Lichstein. I'm here with my
22 partner John Messina who represents Infomir LLC.

23 THE COURT: Good morning, Mr. Messina, Mr. Leviss.
24 And we have counsel on the phone I believe for the remaining
25 defendant Goodzone; is that correct?

1 MR. NUSSBAUM: That's correct, Your Honor. Good
2 morning. My name is Marcus Nussbaum for defendant Goodzone
3 TV. Good morning, Your Honor.

4 THE COURT: Good morning, Mr. Nussbaum, or good
5 evening perhaps where you are. Thank you for joining us by
6 phone.

7 MR. NUSSBAUM: Thank you, Your Honor.

8 THE COURT: Thank you all for coming. I scheduled
9 this conference as a discovery conference because there is
10 among other things a letter motion pending for jurisdictional
11 discovery with respect to the defendant named as Panorama TV
12 but I also thought it was a good opportunity since I have this
13 case for general pretrial and for report and recommendation on
14 dispositive motions I thought it would be a good opportunity
15 to get my arms around what is pending in other corners of the
16 case as well.

17 So let me start if I can just to get an overview of
18 who's doing what. My understanding, and let me ask Mr.
19 Messina and Mr. Leviss first. My understand is that Infomir
20 has made a motion to dismiss which I believe became fully
21 briefed as of a couple of weeks ago. Is that correct?

22 MR. LEVISS: Your Honor is correct.

23 THE COURT: Is that a motion to dismiss as to the
24 entirety of the complaint or the entirety of the complaint
25 which hasn't been voluntarily dismissed by the plaintiffs?

1 MR. LEVISS: Correct, Your Honor. It is to dismiss
2 all remaining exists counts as to Infomir LLC.

3 THE COURT: Goodzone has also filed a motion to
4 dismiss; correct?

5 MR. NUSSBAUM: That's correct, Your Honor.

6 THE COURT: I don't think the reply brief has come in
7 on that one yet. Is that right?

8 MR. NUSSBAUM: That's correct, Your Honor.

9 THE COURT: My understanding is there's a little bit
10 of procedural messiness with respect to Goodzone because your
11 motion did not challenge every remaining count. So now
12 there's a cross motion for default as to the counts you didn't
13 move to. Do I have that right?

14 MR. NUSSBAUM: That's correct, Your Honor.

15 THE COURT: Anything else I need to know about the
16 pending motions to dismiss as to Infomir and Goodzone?

17 Nothing from plaintiffs. I pretty much got that
18 right?

19 MR. BLAUSTEIN: Correct, Your Honor.

20 THE COURT: Good. So those motions will be decided
21 in good course and then we will find out whether we need to go
22 ahead with discovery as to those defendants or not.

23 Now, let me talk to plaintiff's counsel and to Mr.
24 Fraade with regard to the entity sued as -- I want to get this
25 right. Panorama TV (www.mypanorama.tv). So, Mr. Blaustein,

1 let me start with you. It appears -- I'm getting the feeling
2 as I read through the documents on this issue that the entity
3 you named as the Panorama defendant isn't actually a legal
4 person. That is, you have essentially sued the name of a
5 website.

6 MR. BLAUSTEIN: Yes, Your Honor. We have sued My
7 Panorama. We have sued the website in rem www.mypanorama.tv.

8 THE COURT: You can't sue a website in rem for
9 trademark violation. I mean I saw that in your letter but
10 let's get real here.

11 MR. BLAUSTEIN: In order to protect ourselves we did
12 name John Doe defendants.

13 THE COURT: So let's try to pick through this
14 procedurally. What you want to do is sue the person, and I
15 use the person to mean either an individual person or a legal
16 person like a corporation or a partnership or some other
17 fictitious person. You want to sue the person who is
18 responsible for putting that website on the air so to speak;
19 right?

20 MR. BLAUSTEIN: Yes, Your Honor, it's like peeling
21 back the layers. We're trying to find the true party.

22 THE COURT: Right now you don't actually know the
23 true names of the persons you want to sue; is that fair?

24 MR. BLAUSTEIN: Yes. The only basis we have are the
25 representations made by counsel.

1 THE COURT: Well, you have a little more than that.
2 So let me begin by asking you to unpeel the onion a little
3 bit. You sent a process server out to an address on Avenue Z
4 in Brooklyn and your process server handed a summons and
5 complaint to an individual whose name I don't remember. How
6 did you get there?

7 MR. BLAUSTEIN: So in the course of our due diligence
8 we went on to the mypanorama.tv website, and when I say we I
9 mean both myself individually and our investigative team, and
10 we used the Google translate function on the --

11 THE COURT: You don't have anybody who speaks
12 Russian?

13 MR. BLAUSTEIN: We have engaged people that speak
14 Russian including people who may or may not be identified as
15 experts and I don't want to get into the we's on that issue.

16 THE COURT: Fine. You read the website and somewhere
17 on the website there was a reference to that address?

18 MR. BLAUSTEIN: Yes. If you look at Exhibit B to our
19 letter which is the Google translate version which is not a
20 certified translation -- we can certainly provide a certified
21 translation should Your Honor request one.

22 THE COURT: I don't think we're there yet. I'm just
23 trying to follow what you did.

24 MR. BLAUSTEIN: There is this indication that there
25 was a panorama.tv authorized.

1 THE COURT: Right.

2 MR. BLAUSTEIN: We believe that's a dealer located at
3 1702 Avenue Z in Brooklyn.

4 THE COURT: Right. So you handed the summons to your
5 process server and said go there, and then what happened?

6 MR. BLAUSTEIN: They got back to us and provided us
7 with an affidavit of service.

8 THE COURT: Yes, but the affidavit of service says we
9 handed the papers to Mr. --

10 MR. BLAUSTEIN: Alex Yenovar [Ph.].

11 THE COURT: Thank you. Mr. Yenovar. And the
12 affidavit of service said and he is an authorized -- he was
13 authorized to accept on behalf of "Panorama TV" which isn't
14 actually a legal entity. So I'm not sure how much there we
15 have there. And you still don't know what actual corporations
16 or other legal entities or individuals are committing what you
17 claim to be trademark violations and other violations of the
18 law.

19 MR. BLAUSTEIN: That is correct, Your Honor.

20 THE COURT: Meantime now we -- now I turn to Mr.
21 Fraade. Meantime Mr. Fraade enters a notice of appearance, a
22 formal notice of appearance on behalf of the same name which
23 appears on the caption of the plaintiff's complaint and
24 initially you write to the court, Mr. Fraade, and you say that
25 your client's true name is My Panorama TV UK and you identify

1 My Panorama TV UK as a United Kingdom corporation which was
2 named as a defendant in this case but misnamed. Then a little
3 while later you write in and say no, actually my client is
4 named Panorama Alliance LP but you still appear to be taking
5 the position that this is the entity. Your client in other
6 words is the entity that the plaintiffs have sued under a
7 mistaken name. That's kind of your procedural role in the
8 case at the moment.

9 MR. FRAADE: Your Honor, if I may, just the history.
10 Before we were retained on May 4th in an email to Mr.
11 Blaustein I had offered to accept service provided we were
12 given reasonable time to answer.

13 THE COURT: Yes, but which entity did you offer to
14 accept service on behalf of on?

15 MR. FRAADE: Well, we were going to clarify that once
16 we were in the case and renewed it further once we were -- we
17 appeared made the same request and actually Mr. Blaustein and
18 I spoke I believe on Wednesday because he in an email on
19 Tuesday had raised the question about accepting service and
20 allowing us to put an answer in. We were willing to accept
21 service under the name Panorama Alliance LP and deal with the
22 merits of the case and avoid this whole issue and we believe
23 our client was not properly served but with time eventually
24 they'll figure out who our client is and serve them and both
25 to cut through all this we're willing to accept service to

1 hopefully avoid --

2 THE COURT: I understand. And they were being
3 unreasonable and they wanted to try and get a default against
4 the name of a website. I like you am trying to cut through
5 empty procedural machinations that waste people's time and see
6 if we can get to what's really going on here.

7 So are you certain as to the actual identity of your
8 client, Mr. Fraade?

9 MR. FRAADE: Yes, I've now seen the paperwork and
10 have confirmed it.

11 THE COURT: The actual identity of your client is
12 what?

13 MR. FRAADE: Panorama Alliance LP. It's a UK based
14 limited partnership.

15 THE COURT: Panorama Alliance LP?

16 MR. FRAADE: Yes.

17 THE COURT: You're sure about that?

18 MR. FRAADE: Yes.

19 THE COURT: Misidentified in the caption as Panorama
20 TV. Is that correct?

21 MR. FRAADE: Correct.

22 THE COURT: And your client, Panorama Alliance, I'll
23 call it Panorama Alliance for purposes of today's hearing, I
24 take it has a business involving Russian language programming
25 in the United Kingdom.

1 MR. FRAADE: Correct.

2 THE COURT: And your position is that the United
3 Kingdom business done by your client is licensed and legal and
4 does not constitute an infringement of anybody's rights and
5 that what is going on on Avenue Z in Brooklyn is not going on
6 at the behest of your client.

7 MR. FRAADE: That's correct.

8 THE COURT: Okay. Therefore your motion now that you
9 have entered the case and assuming that I vacate the default
10 will be what?

11 MR. FRAADE: To be honest, Your Honor, I really have
12 focused right now on the issue of service of the wrong party
13 and really have gotten involved for the limited purpose. I
14 thought that either there would be a hearing on the purpose of
15 process service and either confirmed or rejected and I think
16 it's clear that it was not proper service under the statute
17 and --

18 THE COURT: Are you still willing to accept service
19 in exchange for getting to the more substantive question of --

20 MR. FRAADE: Yes. I'm not acknowledging any of the
21 allegations.

22 THE COURT: Let me finish the question. The more
23 substantive question of personal jurisdiction.

24 MR. FRAADE: We're willing to accept service. I'm
25 not --

1 THE COURT: On behalf of Panorama Alliance.

2 MR. FRAADE: I'm not acknowledging that the business
3 being done at that location is our client or that our client
4 does business in New York or the United States.

5 THE COURT: See, here's the problem. I appreciate
6 you being willing to accept service while still reserving your
7 jurisdictional defenses. All defenses other than service of
8 process in other words, which I think is a very sensible way
9 to move forward and I commend it to you, Mr. Blaustein.

10 The problem is that if you were to make a motion to
11 dismiss for lack of jurisdiction under Rule 12(b)(2) which I
12 think is the motion you want to make, although you haven't
13 quite made it yet, the merits of Mr. Blaustein's case seem
14 inextricably intertwined with the merits of any motion to
15 dismiss for lack of jurisdiction because what is going to
16 underlie that jurisdictional motion will be who are those
17 folks on Avenue Z and are they you because if you, you meaning
18 Panorama Alliance, are in fact in some sense directing or
19 authorizing these folks on Avenue Z in Brooklyn to broadcast
20 Russian language programming to the New York metropolitan area
21 then you're doing business in New York and then you're subject
22 to personal jurisdiction in New York.

23 MR. FRAADE: Your Honor, I understand that.

24 THE COURT: So it's difficult to separate the merits
25 from the jurisdictional issue.

1 MR. FRAADE: I understand that, yes.

2 THE COURT: Is that how you would like to proceed?

3 MR. FRAADE: Yes, Your Honor.

4 THE COURT: Mr. Blaustein.

5 MR. BLAUSTEIN: Your Honor, I think generally your
6 assessment of the situation is fair. We certainly --

7 THE COURT: Then the first thing I'll give you once
8 we've struck that deal is some jurisdictional discovery.

9 MR. BLAUSTEIN: Yes, Your Honor. I think we've
10 presented a rather clear assessment of what we would like in
11 terms of jurisdictional discovery in our most recent letter to
12 the court.

13 THE COURT: So here's what we are going to do. With
14 the consent of all relevant parties Panorama Alliance LP has
15 entered its appearance through counsel, counsel being Mr.
16 Fraade, and has acknowledged that it is the entity that was
17 sued under the incorrect name of Panorama TV and the caption
18 of the case will be amended to reflect the true name of that
19 entity, namely Panorama Alliance LP.

20 Panorama Alliance LP has not waived any defenses
21 other than service of process. Panorama Alliance LP may and I
22 take it would like to make a motion to dismiss pursuant to
23 Rule 12(b)(2). How much time do you need to make that motion,
24 Counsel?

25 MR. FRAADE: Your Honor, 30 days should be

1 sufficient.

2 THE COURT: I'll give you 30 days to make the motion
3 but I am going to authorize discovery going to jurisdictional
4 issues which happens between now and then. So your deadline
5 for making the motion will be August the 22nd which is a
6 Monday.

7 Panorama Alliance LP is deemed served.

8 Now, let's talk about what discovery is appropriate
9 for this purpose. Let me get out your last communication to
10 me on that issue, Mr. Blaustein.

11 [Pause in proceedings.]

12 THE COURT: You haven't -- you haven't given me --
13 you've given me some third party subpoenas but you also want I
14 take it to serve some jurisdictional discovery directly on --

15 MR. BLAUSTEIN: The LP.

16 THE COURT: Good, that's a good name. The LP. You
17 want to serve some jurisdictional discovery directly on the
18 LP.

19 MR. BLAUSTEIN: Correct.

20 THE COURT: What will that consist of?

21 MR. BLAUSTEIN: Well, the most important thing would
22 be discovering the true owner and registrant of the website
23 www.mypanorama.tv.

24 THE COURT: Okay.

25 MR. BLAUSTEIN: Certainly subscriber information in

1 the United States.

2 THE COURT: What does that mean, subscriber
3 information?

4 MR. BLAUSTEIN: So our understanding is that a user
5 in New York or somewhere else in the United States can access
6 www.mypanorama.tv. I may refer to it simply as the website.

7 THE COURT: Fine.

8 MR. BLAUSTEIN: And purchase access in U.S. dollars.

9 THE COURT: Okay.

10 MR. BLAUSTEIN: Yesterday there is an option to
11 purchase in U.S. dollars.

12 THE COURT: You don't need discovery for that I don't
13 think.

14 MR. BLAUSTEIN: No, but we would -- to the extent
15 that there are subscribers accessing the web page that is
16 controlled by the LP in the United States and there is an
17 ability to produce that information we think that that
18 certainly goes to the subject of jurisdiction.

19 THE COURT: You're going to win or lose jurisdiction
20 not on whether they have subscribers in the New York
21 metropolitan area. Of course they have subscribers in the New
22 York metropolitan area.

23 MR. BLAUSTEIN: Okay.

24 THE COURT: The question is who are they and who runs
25 them; right?

1 MR. BLAUSTEIN: That is the pressing question.

2 THE COURT: I mean they, whoever the they are, have
3 an office in Brooklyn. If you can tie them to the LP then
4 you've got jurisdiction in New York. You don't have to prove
5 that they have 100 subscribers or 1,000 subscribers.

6 MR. BLAUSTEIN: We would certainly in that regard
7 like any license agreement or other agreement as between the
8 LP and the alleged authorized dealer in Brooklyn.

9 THE COURT: So you may serve the LP with written
10 discovery, document demands and interrogatories going to the
11 issues of personal jurisdiction. I'm going to hold you to the
12 straight and narrow on that, Mr. Blaustein. I know you're
13 going to be tempted to want to sneak in merits discovery while
14 you're at it, do you have a license, how many subscribers do
15 you have, how much money do you process. That's not what
16 we're doing at this stage of the case.

17 You can ask them for documents and information
18 concerning the relationship of the LP to the website, the
19 relationship of the LP to the office in Brooklyn, the
20 relationship of the LP to the individual who was handed the
21 paperwork and that kind of question. Certainly you can ask
22 the LP for information concerning the registration of the
23 website but please don't take this as free reign to get an
24 early peak at merits discovery.

25 MR. BLAUSTEIN: Very good, Your Honor. In terms of

1 the timing of discovery we would intend to serve next week.

2 THE COURT: Okay.

3 MR. BLAUSTEIN: In terms of the turnaround time in
4 light of the briefing schedule it appears that it might be
5 somewhat tight.

6 THE COURT: And that also puts a premium on you
7 keeping that discovery itself tight because if you serve 157
8 categories of document requests on the LP they're not really
9 going to be able to turn that around before the August 22nd
10 filing deadline.

11 MR. BLAUSTEIN: Certainly.

12 THE COURT: So assuming that this is limited and
13 streamlined jurisdictional discovery, sir, how much time do
14 you think you need?

15 MR. FRAADE: The question is do they need the
16 responses before our papers, I don't think so. So I would
17 like the same 30 days just to -- obviously they need to --

18 THE COURT: Well, they need the responses before
19 their papers.

20 MR. FRAADE: To reply to our papers. To reply to our
21 papers and the same 30 days would be helpful.

22 THE COURT: I'm going to give you 21 days from
23 whenever they serve. So you're going to serve by the end of
24 next week, Mr. Blaustein.

25 MR. BLAUSTEIN: Certainly, Your Honor.

1 THE COURT: Which is July the 29th and responses are
2 going to be due three weeks after that which is August 19th.

3 Then, Mr. Blaustein, how much time -- I'll get back
4 to the subpoenas in a moment. How much time are you going to
5 need for your opposition to the 12(b)(2) motion?

6 MR. BLAUSTEIN: Two weeks would likely be sufficient.
7 We would ask for three just to make sure.

8 THE COURT: Two weeks would be Labor Day which is
9 probably not a good day to make your opposition papers due.

10 MR. BLAUSTEIN: I concur.

11 THE COURT: So let me give you to the end of that
12 week, September 9th.

13 MR. BLAUSTEIN: Very good, Your Honor.

14 THE COURT: And the LP can have another week after
15 that until September the 15th for a reply.

16 Now, in terms of third party subpoenas, the timing
17 of which is not as much under my control, let me take a look
18 at what you say you want. A number of your subpoenas are
19 going to the identities of acquiring banks. Explain to me how
20 that's relevant to jurisdiction.

21 MR. BLAUSTEIN: We have encountered in the past that
22 it's not the credit card companies that have the information
23 regarding sources of payments and things of that nature but
24 instead the merchant to bank that has the information
25 regarding their true client, who it is that's accepting and

1 receiving the money. So to the extent that that entity is
2 located in the United States where the money is being
3 transferred somewhere within the United States that would
4 speak to the question --

5 THE COURT: Please keep your voice up a little bit,
6 Mr. Blaustein.

7 MR. BLAUSTEIN: That would speak to the question of
8 jurisdiction if there was a merchant bank account registered
9 in the United States.

10 THE COURT: All right. So educate me here. Explain
11 to me what the merchant bank -- what the function is of the
12 merchant bank account.

13 MR. BLAUSTEIN: My understanding generally is that if
14 I'm a company I have an account at a bank and it is that bank
15 that receives deposits from whatever credit card payments that
16 I may receive.

17 THE COURT: So if your customers are paying for
18 access to this programming by credit cards those payments flow
19 through your merchant bank?

20 MR. BLAUSTEIN: That is my understanding.

21 THE COURT: And the merchant bank therefore has on
22 file some information as to who you are?

23 MR. BLAUSTEIN: That is correct.

24 THE COURT: Because they presumably have to open some
25 account opening documents with the merchant bank.

1 MR. BLAUSTEIN: Yes, and I believe there are some
2 other banking -- pertinence banking regulations.

3 THE COURT: All right. Why are you sending these
4 subpoenas? You have specific banks listed. Discover Bank,
5 Visa, American Express.

6 MR. BLAUSTEIN: Yes. Your Honor, these are the --

7 THE COURT: These are the credit card companies.

8 MR. BLAUSTEIN: Yes, these are the credit card
9 processors that we understand are accepted on the Panorama
10 website.

11 THE COURT: So I see. So you're working up the
12 chain. You're going to the credit card companies and saying
13 who's the merchant bank?

14 MR. BLAUSTEIN: That is correct.

15 THE COURT: Then you're going to go to the merchant
16 bank and say who's the client?

17 MR. BLAUSTEIN: That is what our intention would be.

18 THE COURT: What's an acquiring bank?

19 MR. BLAUSTEIN: An acquiring bank I believe is
20 synonymous -- rather identical to the merchant bank. I think
21 that those terms are similar.

22 THE COURT: Mr. Fraade, do you have any objection to
23 the plaintiff sending third party subpoenas to the credit card
24 companies for this limited purpose?

25 MR. FRAADE: I guess my original concern was that it

1 wouldn't be necessary to be doing jurisdictional discovery
2 once we've agreed to accept service. My concern is what
3 information they're getting from the banks in terms of either
4 customer names, customer information. I don't know what
5 information they're going to get from the --

6 THE COURT: Right now the only question before me is
7 can they send a subpoena to the credit card company asking for
8 the identity of -- and let me sharpen it up for you because
9 the way you've written the sample subpoenas now you keep
10 talking about defendant Panorama TV.

11 MR. BLAUSTEIN: We would certainly need to update
12 that.

13 THE COURT: But what you really want to know from the
14 credit card companies is the identity of the acquiring banks
15 maintaining merchant accounts for -- do you know who to name?
16 Are you going to call it the LP? Because the acquiring banks
17 also don't do business with the name of a website. They do
18 business with a legal entity of some sort which --

19 MR. BLAUSTEIN: That is right, Your Honor, which is
20 why there's another subpoena in there to the domain name
21 posting service.

22 THE COURT: Why don't we start with that?

23 MR. BLAUSTEIN: Very good, Your Honor.

24 THE COURT: And you also need to explain to me a
25 little bit why Domains by Proxy LLC is the right company to

1 tell you who really owns the website. I thought the
2 registrant was GoDaddy.

3 MR. BLAUSTEIN: The registrant appears to be GoDaddy
4 but in the -- I don't have -- there's a mistake here but this
5 is Exhibit 2 to the complaint. According to Who Is which is a
6 search you can run online it reveals that the registrar, so
7 the company that someone went to register this website is in
8 fact GoDaddy.com.

9 THE COURT: Right.

10 MR. BLAUSTEIN: But the actual registrant is Domains
11 by Proxy LLC.

12 THE COURT: I see. And they're a service whose name
13 you can rent for this purpose?

14 MR. BLAUSTEIN: That's exactly right, Your Honor.

15 THE COURT: It's like all of those fancy people who
16 buy multi-million dollar apartments in the name of an LP so
17 you can't tell who's moving in upstairs?

18 MR. BLAUSTEIN: Well, certainly. That's how I buy
19 all my property.

20 THE COURT: So you may send the subpoena to Domains
21 by Proxy for information concerning who's really behind the
22 website that you're complaining about and you can send
23 targeted party jurisdictional discovery to the LP. And you're
24 obviously going to want to get that subpoena out sooner rather
25 than later.

1 MR. BLAUSTEIN: Very good, Your Honor. We're hoping
2 that that will be sufficient.

3 THE COURT: All right. Is there anything else that
4 we ought to be doing today?

5 MR. FRAADE: Not on behalf of my client, Your Honor.

6 THE COURT: Okay. Is there -- is there anybody else
7 in this case? Everybody else has settled out and been
8 dismissed; is that correct? The Actava entities and so forth,
9 they're gone?

10 MR. BLAUSTEIN: Your Honor, the Actava entities which
11 consist of Actava, Mr. Tsoutiev and Master Call entities,
12 there has been a settlement in that action.

13 THE COURT: And you settled with or dismissed out
14 some other group as well, right, Matvil Corporation?

15 MR. BLAUSTEIN: I believe that is the case, at least
16 as to certain defendants.

17 THE COURT: So we're all clear on what we're doing
18 and what schedule we're doing it on? I will issue a written
19 order hopefully by the end of the day today.

20 Thank you very much, gentlemen. Thank you for
21 coming in and thank you, Mr. Nussbaum, for tuning in.

22 MR. NUSSBAUM: Thank you, Your Honor.

23 THE COURT: All right. We're adjourned.

24 * * * * *

1 I certify that the foregoing is a court transcript from
2 an electronic sound recording of the proceedings in the above-
3 entitled matter.

4 

5 _____
6 Shari Riemer, CET-805

7 Dated: August 23, 2016
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25